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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,945	07/21/2003	William A. Bull	706359US1	4629
7590 05/11/2004			EXAMINER	
Ralph E Smith DaimlerChrysler Intellectual Capital Corporation CIMS 483-02-19 800 Chrysler Drive Auburn Hills, MI 48326-2757			ENGLE, PATRICIA LYNN	
			ART UNIT	PAPER NUMBER
			3612	
DATE MAILED: 05/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/623,945

Applicant(s)

BULL ET AL.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 11 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The term "predetermined amount of load" in claim 2, 11 and 20 is a relative term which renders the claim indefinite. The term "predetermined amount of load" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. What is the predetermined load? How would one of ordinary skill in the art know what the predetermined load is?

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-8, 10-13, 15-17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shibata (US Patent 5,700,049).

Regarding claims 1 and 10, Shibata discloses a body-on-frame apparatus for a vehicle, the body-on-frame apparatus comprising: a vehicle frame (10) adapted for receiving a vehicle body (20,25); and a vehicle body (20,25) mounted on the frame in a spaced relationship thereto, and including a localized area (70) that is deflectable (column 3, line 5) when an operating load (F2) is applied to the localized area (70) of the body; the localized area (70) of the body forming a localized gap (D1) between the frame (10,60) and the localized area (70) of the body, when the body is mounted on the frame in a spaced relationship thereto, that closes (column 3, lines 5-6) and allows the localized area of the body to contact the vehicle frame for resisting further localized deflection of the localized area of the body when the operating load (F2) is applied to the localized area (70) of the body.

Regarding claims 2 and 11, Shibata discloses the body-on-frame apparatus of claim 1, wherein the gap (D1) is closed, and the localized area of the body (70) contacts the frame (column 3, line 5), when a predetermined amount of localized load (F2) is applied to the localized area of the body.

Regarding claims 3 and 12, Shibata discloses the body-on-frame apparatus of claim 1, further comprising a load bearing structure (26) operatively attached to the localized area (70) of the body for applying the operating load (F2) to the localized area.

Regarding claims 4 and 13, Shibata discloses the body-on-frame apparatus of claim 3, wherein the load bearing structure (26) includes a passenger seating structure (26), and the operating load is applied to the seating structure.

Regarding claims 6 and 15, Shibata discloses the body-on-frame apparatus of claim 3, wherein: the frame includes an upper surface (60, Fig. 3) thereof adapted for contact by the

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localized area (70) of the body; and the body includes a lower surface (Fig. 5) thereof defining the localized area (70) of the body.

Regarding claims 7 and 16, Shibata discloses the body-on-frame apparatus of claim 6, wherein the body includes a cross member (26) defining the lower surface and localized area (70) of the body.

Regarding claims 8 and 17, Shibata discloses the body-on-frame apparatus of claim 7, wherein the load bearing structure (26) includes a passenger seating structure (26), and the operating load (F2) is applied to the seating structure.

Regarding claim 19, Shibata discloses a method for constructing a body-on-frame vehicle, the method comprising: fabricating (inherent to the structure including a body) a vehicle body (20,25) including a localized area (70) that is deflectable (column 3, line 5) by an operating load (F2) applied to the localized area, when the body (20,25) is attached to a frame (10) in a spaced relationship thereto; and attaching (inherent to the structure) the vehicle body to a frame (10) in such a manner that the localized area (70) of the body forms a localized gap (D1) between the frame (10,60) and the localized area (70) of the body, when the body is mounted on the frame in a spaced relationship thereto, that closes (column 3, line 5) and allows the localized area of the body to contact the frame for resisting further localized deflection of the localized area of the body when the operating load is applied to the localized area of the body.

Regarding claim 20, Shibata discloses the method of claim 19, further comprising fabricating the vehicle body such that the gap (D1) is closed and the localized area (70) of the body contacts the frame when the operating load (f2) applied to the localized area reaches a predetermined value (F2).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 5, 9, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata.

Shibata discloses the body-on-frame apparatus of claims 1-4, 6-8, 10-13, and 15-17.

Shibata does not disclose that the seating surface (26) includes a seating structure with an anchor for a child restraint apparatus. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a child restraint anchor on the seating structure which is mounted on the seating surface (26). The motivation would have been to have a vehicle in which only one (or two- bucket and bench) seat model is required, which would reduce manufacturing costs and provide the same safety standards in the front and rear seats of the vehicle.


*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other body-on-frame vehicles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Patricia L Engle  
Examiner  
Art Unit 3612

ple  
May 5, 2004